

Appln No. 10/567,882  
Amdt date November 5, 2008  
Reply to Office action of August 5, 2008

### REMARKS/ARGUMENTS

Applicants have canceled claim 33. Claims 1-32 and 34-87 are pending in the application of which claims 38-81 have been withdrawn.

The drawings have been objected to for not showing "indentation" as recited in claim 28 and "separate reinforcement ring" as recited in claim 33. Regarding the limitation "indentation," Applicants believe that FIG. 1A shows the claimed indentation. In particular, the plates 41 and 42 are shown to have indentations 43 and 44, respectively. Regarding the limitation "separate reinforcement ring," Applicants have canceled claim 33.

Claims 13, 33, 37 and 82 have been objected to for informalities listed on page 3 of the Office action. Applicants have canceled claim 33 and have amended claims 13, 37 and 82 in response to the objections and believe the objection should now be withdrawn.

Claims 6, 7, 25, 27, 28, 32, 82 and 86 have been rejected under 35 U.S.C. 112 for being indefinite. Regarding the rejection of claim 6, Applicants have replaced "at either side" with "on at least one side." Regarding the rejection of claim 7, Applicants have removed "preferably." Regarding the rejection of claims 27 and 28, Applicants have replaced "is formed through" with "is defined by." Regarding the rejection of claim 32, Applicants have replaced "the elastic elements are," with "the at least one element is." Applicants believe that the noted amendments overcome the rejection of claims 6, 7, 25, 27, 28, 32, 82 and 86 under 35 U.S.C. 112.

Applicants have also amended claim 2 to remove the duplicate of "at".

Claims 1-8, 11 and 12 have been rejected under 35 U.S.C. 102(b) over Hamelin (USP 4,802,374). Applicants traverse this rejection because Hamelin fails to teach or suggest "wherein the external toothing of the spindle nut is formed through radially inwardly pointing indentations in the external surface of the spindle nut and wherein tooth depth diminishes towards at least one axial end of the spindle nut," as recited in claim 1.

On pages 5 and 6 of the Office action, the Examiner refers to the wheel 9a of FIG. 5 of Hamelin to assert the following:

wherein the external toothing of the spindle nut is formed through radially inwardly pointing indentations and the tooth depth diminishes towards at least one axial end of the spindle nut (fig.5, 9a; the toothing is formed by such indentations and the depth diminishes to one end. In particular, it diminishes[sic] to zero towards the end without toothing.).

Referring to the wheel 9a of FIG. 5 of Hamelin, the teeth on the wheel are shown in a schematic fashion with curved lines without any depth, geometry, or other detailed features. Accordingly, the drawings of Hamelin fail to teach or suggest "wherein the external toothing of the spindle nut is formed through radially inwardly pointing indentations in the external surface of the spindle nut and wherein tooth depth diminishes towards at least one axial end of the spindle nut," as recited in claim 1. Furthermore, the entire specification of Hamelin is silent as to the depth, geometry and other details of the teeth of the wheel 9a of FIG. 5.

Based on the foregoing, Applicants submit the in contrast to the Examiner's assertion, Hamelin fails to teach or suggest "wherein the external toothing of the spindle nut is formed through radially inwardly pointing indentations in the external surface of the spindle nut and wherein tooth depth diminishes towards at least one axial end of the spindle nut." Therefore, Applicants believe that claims 1-8, 11 and 12 are patentable over Hamelin.

Claims 1, 6, 7, 9, 10, 13, 15-27, 29-32, 34, 36, 36, 37 and 82-86 have been rejected under 35 U.S.C. 103(a) over Taubmann (WO 9951456, USP 7051986) in view of Hendrick (USP 2,128,483). The Examiner asserts that Taubmann does not teach a spindle nut as recited in claim 1, but Hendrick teaches such a spindle nut as shown by the worm wheel 47 in FIGS. 5 and 6. Accordingly, the Examiner then asserts that one of ordinary skill in the art would have modified the spindle nut of Taubmann to have the gear teeth as taught by the worm wheel 47 of Hendrick. Applicants traverse this rejection for the reasons set forth below.

Hendrick and Taubmann are non-analogous prior art because Hendrick is directed to a casement window operator while Taubmann is related to adjusting devices for motor vehicles. Furthermore, Hendrick and Taubmann are classified by different fields of classification search. Therefore, Applicants submit that a person of ordinary skill in the art would not have had any

**Appln No. 10/567,882**  
**Amdt date November 5, 2008**  
**Reply to Office action of August 5, 2008**

reason to search for, find and/or use the device taught by Hendrick to modify the device of Taubmann.

Furthermore, the external toothing of the worm wheel 47 disclosed by Hendrick is very different in structure from the spindle nut 92 as disclosed by Taubmann. For example, a spindle nut is typically an elongated element with a small material thickness whereas a worm wheel as shown in Figures 5 and 6 of Hendrick typically has a much larger diameter as compared to its extension in the axial direction. Because the worm wheel of Hendrick is a different type of gear than the spindle nut of Taubmann, one of ordinary skill in the art would not have modified the spindle nut of Taubmann as taught by the worm wheel of Hendrick.

Additionally, the mechanism disclosed by Hendrick does not have a threaded spindle or similar gearing elements. Therefore, the mechanism disclosed by Hendrick is of a very different type as compared to the adjusting mechanism upon which the teaching of Taubmann is based.

Based on the foregoing, Applicants believe that one of ordinary skill in the art would not have modified the spindle nut 92 of Taubmann with the gear teeth as taught by the worm wheel 47 of Hendrick. Therefore, Applicants believe that claims 1, 6, 7, 9, 10, 13, 15-27, 29-32, 34, 36, 36, 37 and 82-86 are patentable over Taubmann in view of Hendrick.

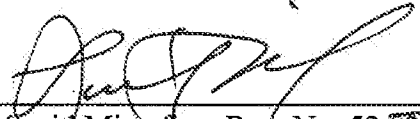
Claims 11, 33 and 87 have been rejected under 35 U.S.C. 103(a) over Taubmann in view of Hendrick, as applied to claim 1 above, and further in view of Hamelin. Claim 33 is canceled. Claim 14 has been rejected under 35 U.S.C. 103(a) over Taubmann in view of Hendrick, as applied to claim 1 above, and further in view of Hauser (USP 4386893). Claim 28 has been rejected under 35 U.S.C. 103(a) over Taubmann in view of Hendrick, as applied to claim 26 above, and further in view of Segal (USP 2313776). Claim 35 has been rejected under 35 U.S.C. 103(a) over Taubmann in view of Hendrick, as applied to claim 34 above, and further in view of Muellich (USP 5893959).

Because claim 1 is patentable over Taubmann in view of Hendrick, Applicants believe that claims 11, 14, 28, 35 and 87 are patentable over Taubmann in view of Hendrick, and further in view of the other secondary references.

**Appln No. 10/567,882**  
**Amdt date November 5, 2008**  
**Reply to Office action of August 5, 2008**

Applicants believe that the claims are now in condition for allowance.

Respectfully submitted,  
CHRISTIE, PARKER & HALE, LLP

By   
Saeid Mirsaffan, Reg. No. 52,035  
Telephone: 626/795-9900

SM/rmw

RMW IRV1115655.1-\* -11/5/08 3:52 PM